

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

In re: P3 FOODS, LLC,

Debtor.

Case No. 16-32021
Hon. Pamela S. Hollis
Chapter 7

NOTICE OF MOTION and PROOF OF SERVICE

TO: SEE ATTACHED SERVICE LIST

PLEASE TAKE NOTICE that Reinhart FoodService, LLC (“Reinhart”) has filed papers with the Court for Reinhart’s Motion for Allowance of Post-Petition, Chapter 11 Administrative Claim (the “Motion”), and the undersigned counsel will appear before the Honorable Chief Judge Pamela S. Hollis, on **Friday, November 16, 2018 at 10:00 a.m.**, at the Joliet City Hall building, located at 150 W. Jefferson Street, 2nd Floor, Joliet, Illinois, at which time the Motion will be presented to the Court. A copy of the Motion is provided with this Notice.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the Motion, or if you want the Court to consider your views on the Motion, then within 21 days of the date of this Notice, you or your attorney must file with the Court, electronically with the Court’s Electronic Case Filing system, a written response that complies with Rule 8(b), (c) and (e), Fed. R. Civ. P., explaining your position. You may find more information regarding electronic filing at the Court’s website, <http://www.ilnb.uscourts.gov>, or at:

Clerk of Court
United States Bankruptcy Court
Everett McKinley Dirksen United States Courthouse
219 S. Dearborn Street
Chicago, IL 60604

You must also mail, fax or deliver a copy to:

Samuel C. Wisotzkey, Esq.
KOHNER MANN & KAILAS, S.C.
4650 N. Port Washington Rd., Suite 250
Milwaukee, WI 53212
Facsimile (414) 962-8725

swisotzkey@kmksc.com

If you or your attorney do not submit a timely written response to the Motion, the Court may decide that you do not oppose the relief sought in the Motion and may enter an Order granting that relief.

Dated: October 15, 2018

KOHNER, MANN & KAILAS, S.C.
Attorneys for Reinhart FoodService, LLC

By: /s/ Samuel C. Wisotzkey
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PROOF OF SERVICE

I, Samuel C. Wisotzkey, an attorney, certify that on the 15th day of October, 2018, I caused this Notice, the attached Reinhart Foodservice, LLC's Motion for Allowance of Post-Petition, Chapter 11 Administrative Claim, and the attached Proposed Order, to be filed electronically with the Court and to be mailed by placing the aforementioned documents in an envelope properly addressed with postage prepaid to the attached Creditor Matrix. Notice of this electronic filing will be sent by operation of the Court's electronic filing system to the following registered ECF users in this case:

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By: /s/ Samuel C. Wisotzkey

Label Matrix for local noticing
0752-1
Case 16-32021
Northern District of Illinois
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Mon Oct 15 14:07:17 CDT 2018

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Fyle's
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Roto-Rooter Services
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The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g) (4).

Department of Treasury-Internal Revenue Serv
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Los Angeles, CA 90060-0036

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Sicom Systems Inc
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U.S. Bank National Association
Bankruptcy Department
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The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

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(u)Brainerd Enterprises, L.L.C.

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(u)Calhoun Realty Company d/b/a Calhoun Compa

(u)Element Financial Corp.

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(d)Pan-O-Gold Baking Co
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End of Label Matrix
Mailable recipients 138
Bypassed recipients 15
Total 153

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re: P3 FOODS, LLC,

Debtor.

Case No. 16-32021
Hon. Pamela S. Hollis
Chapter 7

**REINHART FOODSERVICE, LLC'S MOTION FOR ALLOWANCE
OF POST-PETITION, CHAPTER 11 ADMINISTRATIVE CLAIM**

Reinhart Foodservice, LLC ("Reinhart"), by its undersigned attorneys and for its Motion for Allowance of Post-Petition, Chapter 11 Administrative Claim (the "Motion") states as follows:

JURISDICTION

1. This court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 157 and 1334. Venue is appropriate in this court pursuant to 28 U.S.C. §§ 1408 and 1409. This is a core proceeding pursuant to 28 U.S.C. § 157(b)(2).

FACTS

2. On October 6, 2016 ("Petition Date"), P3 Foods, LLC (the "Debtor") filed a voluntary petition for relief under Chapter 11 of Title 11 of the United States Code, 11 U.S.C. §§ 101 *et. seq.*

3. On June 30, 2017, Reinhart filed its Motion for Allowance and Immediate Payment of 503(b)(9) Claim. CM-ECF Doc. No. 122. On August 10, 2017, the Court entered an Agreed Order allowing Reinhart's administrative expense claim pursuant to 11 U.S.C. 503(b)(9) ("503(b)(9) Agreed Order") in the amount of \$65,939.93 ("Reinhart's 503(b)(9) Claim"). CM-ECF Doc. No. 154. The Agreed Order further provided that the Debtor would pay Reinhart's 503(b)(9) Claim in twelve equal monthly installments in the amount of \$5,494.99 beginning September 11, 2017.

4. On May 8, 2018, the Court entered an order converting the case to one under Chapter 7 (the “Conversion Date”).
5. On May 9, 2018, Zane Zielinski was appointed as the Chapter 7 Trustee.
6. As of the Conversion Date, the Debtor had stopped making the agreed payments on Reinhart’s 503(b)(9) claim, leaving a balance of \$27,479.69.
7. Additionally, after the Petition Date but prior to the Conversion Date (“Post-Petition, Pre-Conversion Period”), Reinhart continued to supply the Debtor with certain goods, in the form of food and food products. The Debtor failed to pay for these goods.

Post-Petition, Pre-Conversion Administrative Expense Claim

8. During the Post-Petition, Pre-Conversion Period, Reinhart provided the Debtor with food and food products which were necessary for the Debtor to continue operating their restaurant locations, preserving value for the estate and its creditors.
9. Reinhart is still owed not less than \$32,173.95 for obligations incurred during the Post-Petition, Pre-Conversion Period. A summary of amounts due comprising this total is attached hereto as Exhibit A.
10. Further, the Debtor acknowledges unpaid obligations owed to Reinhart incurred in the Post-Petition, Pre-Conversion Period in an amount similar to the amount alleged in this Motion. See Schedule of Unpaid Debts Incurred After Filing of the Petition and Before Conversion of the Case, CM-ECF Doc. No. 275.
11. As Debtor continued to use and receive the benefits of goods provided by Reinhart during the Post-Petition, Pre-Conversion Period, Reinhart is entitled to a post-petition Chapter 11 administrative expense in the amount of \$32,173.95. See 11 U.S.C. § 503(b)(1)(A).
12. The requested \$32,173.95 administrative expense amount constitutes the actual, necessary costs and expenses of preserving the Debtor’s estate.

503(b)(9) Claim

13. Pursuant to the 503(b)(9) Agreed Order, Reinhart was entitled to a 503(b)(9) claim in the amount of \$65,939.93, payable in twelve equal monthly installments. Although the Debtor made some payments as agreed, the debtor has made no payments on Reinhart's 503(b)(9) Claim since approximately March 2018, leaving an unpaid balance of \$27,479.69.

14. Reinhart remains entitled to an allowed administrative priority claim in the amount of \$27,479.69.

WHEREFORE, Reinhart respectfully requests:

(a) an order allowing payment of an administrative expense claim pursuant to 11 U.S.C. §503(b)(1)(A) in the amount of \$32,173.95;

(b) an order confirming the allowance of its 503(b)(9) Claim pursuant to the 503(b)(9) Agreed Order in the amount of \$27,479.69; and

(c) an order requiring the Chapter 7 Trustee to pay Reinhart's allowed administrative claims at the same time all other Chapter 11 administrative claims are paid; and

(d) an order awarding Reinhart such other and further relief as the Court deems just and proper.

Dated: October 15, 2018

KOHNER MANN & KAILAS, S.C.
Attorneys for Reinhart Foodservice, LLC

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Customer	Store	Amount
31004	Burger King #2423-Brainer	\$738.82
31006	Burger King #139-Mpls	\$5,925.44
31007	Burger King #2794-St Clou	\$2,463.59
31008	Burger King #2920-St Paul	\$4,080.36
31009	Burger King #3519-W St Pa	\$4,309.06
31010	Burger King #3970-Eden PR	\$3,637.05
31011	Burger King #4006-Eden Pr	\$2,554.78
31012	Burger King #4669-Plymout	\$3,708.31
31013	Burger King #13662-Mpls	\$4,756.54
	Total:	\$32,173.95